

REMARKS

Claims 1-33 are pending in the instant application. Claims 1, 7-8, 13, 19, 23-24, and 27-28 stand rejected under 35 U.S.C. 112, second paragraph. Claims 21-25, 28-29 and 30-33 stand rejected under 35 U.S.C. 101. Claims 26-27 are rejected under 35 U.S.C. 103 as being unpatentable over Hicok (US 7,010,724), in view of Gaudet (US 6,540,010), in further view of Wikipedia. Claims 2-6, 9-12, 14, 18 and 20 recite allowable subject matter subject and are allowable if re-written as independent claims containing all of the recited limitations. Claims have been amended and allowance of all pending claims is requested.

REJECTIONS UNDER 35 U.S.C. 112, SECOND PARAGRAPH

In paragraphs 2-12 of the Office Action dated June 13, 2006 on pp. 2-4, the Examiner asserts that claims 1, 7-8, 13, 19, 23-24, 27-28 stand rejected under 35 U.S.C. 112, second paragraph. Modification has also been made to claims 1, 7-8, 13, 19, and 23-24 to overcome inconsistencies in the claim language itself in the above amendment, and cancellation of claims 27-28 has been made. Thus it is believed that the rejection based in Section 112 is overcome.

REJECTIONS UNDER 35 U.S.C. 101

In paragraphs 18-20 on pp. 5-6 of the June 13, 2006 office action, the Examiner asserts that claims 21-25, 28-29, and 30-33 stand rejected under 35 U.S.C. 101. The Examiner rejected the claims 21-25 asserting that the preamble of these computer data project claims do not properly recite a statutory invention under 35 U.S.C. 101. The Applicants thank the examiner for providing language for the preamble that the examiner believes is proper. The Applicants have adopted the Examiner's proposed preamble language for claims 21-25 in order to obviate this rejection. The Applicants have canceled claims 28-29 rendering the rejection moot. The Examiner rejected claims 30-33 asserting that independent claim 30 fails to recite sufficient computing hardware structures rendering all of these claims merely software per se. The applicants have amended independent claim 30 to recite computing hardware structures. Claims 30-33 as amended are now patentable. As such, reconsideration is respectfully requested.

REJECTIONS UNDER 35 U.S.C. 103

Claims 26-27 are rejected under 35 U.S.C. 102(b) as being unpatentable by Hicok (US 7,010,724), in view of Gaudet (US 6,540,010), in further view of Wikipedia. The Applicants have cancelled claims 26-27 maintaining that a boot volume initially recited therein is comparable with the computer program data product of claims 21-25 while addressing any associated issues under 35 U.S.C. 101.

OBJECTIONS

In paragraphs 21-23 of the Office Action dated June 13, 2006 on p. 6, the Examiner objected to the content of the Abstract and the organization of the Specification. In response, the Applicants have submitted both a Substitute Specification and a Substitute Abstract in an attempt to overcome these Objections. Because no new matter has been added with the submission of these Substitute Sections, withdrawal of these Objections is respectfully requested.

CONCLUSION

Based on all these considerations and amendment, the applicant respectfully requests reconsideration and allowance of the claims. If any issues remain that preclude issuance of this application, the Examiner is again urged to contact the undersigned attorney.

Respectfully Submitted,

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